

## **REMARKS**

Responsive to the official communications of December 3, 2005, Applicant submits the following Remarks.

### ***Amendments to the Claims***

Upon entry of the foregoing amendments, claims 1, 18 to 40 are pending in the application. Of the pending claims, claims 1, 18, 21, and 31 are independent. Support for the new claims (claims 21-44) can be found throughout the description and the Figures. No new matter has been added.

#### **I. *The Rejection of Claims 18 to 20 Under 35 U.S.C. § 112***

In the Office Action, claims 18-20 were rejected under 35 U.S.C. § 112 as being indefinite for using the word "or" in line 11. In view of the amendment to claim 18 submitted herewith, it is believed that the rejection is rendered moot. Accordingly, the Applicant respectfully requests that the rejection be withdrawn.

#### **II. *Claims 18-20 Are Novel With Regard to Thean***

In the Office Action, claims 18-20 were rejected 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,397,036, issued to Thean et al. (hereinafter "Thean"). Claim 18 requires, in pertinent part, a method comprising marketing goods and services over an Internet.

With regard to Claim 18, the Office Action asserts that Thean discloses allowing a customer to access a website (that is provided over the Internet) to view screens related to goods and services offered by a vendor. However, Thean is directed toward a collaborative learning system (see the Abstract, line 1) rather than a method of marketing a good or service. For that reason alone, Thean fails to disclose each and every element of claim 18 as is required for an anticipation rejection.

Furthermore, even though Thean describes "marketing" (see column 7, line 58), the marketing described by Thean differs significantly from the "marketing" recited in Claim 18. More specifically, Thean defines "marketing" to mean conducting market research to determine the needs or requirements of the audience that will be participating in the event or viewing the archived event [i.e, a class conducted with the collaborative learning system]. Once the audience needs have been determined, they are then analyzed in order to identify the goals of the client (e.g., the employer of the audience). Thereafter, the classes or content are actually developed. See column 7, lines 58 to 65. Thus, the term "marketing" defined by Thean means developing content for a collaborative class.

In contrast, the term "marketing" recited by Claim 18 means the marketing of a good or service. Since the Applicant is allowed to be his own lexicographer, the difference between the marketing described by Thean and the claimed marketing obviates the anticipation rejection. Accordingly, it is respectfully requested that the rejection of claim 18 and the claims that depend therefrom, claims 19 and 20, be withdrawn.

Regarding claim 19, the Office Action asserts that Thean discloses presenting information to a customer. However, Thean discloses presenting information to an audience of participants (students or attendees) rather than a customer obtaining further information relating to a good or service as claimed by claim 19. Thus, for these additional reasons, Thean fails to anticipate claim 19.

### **III. *The Obviousness Rejection in View of D'Agostino and Thean***

In the Office Action, claims 1, 3, 4, 7-9, 11, 12, 16, and 17 were rejected 35 U.S.C. § 103 as being rendered obvious by U.S. Patent No.5,231,571, issued to D'Agostino. (hereinafter "D'Agostino") in view of Thean. In light of the amendment submitted herewith, it is believed that the rejection has been rendered moot. Accordingly, the Applicant respectfully requests that the 35 U.S.C. § 103 rejection be withdrawn.

### **IV. *No Motivation Exists to Combine D'Agostino and Thean***

Regarding claim 1, claims 18-20, and the new claims (21-40), no motivation exists to combine D'Agostino and Thean. D'Agostino fails to teach the use of the control feature of the present invention in connection with an Internet website. Rather, D'Agostino describes a personal financial assistant computer method that includes customer terminals at financial

institution branch offices or other locations. Each customer terminal stores financial information for the particular financial services sold at the terminal. See the Abstract. In other words, D'Agostino describes terminals that are dedicated to a particular function. Therefore, the D'Agostino terminals would be unsuitable for use in connection with the Internet. In contrast, the present invention uses general purpose computers in connection with the Internet to market goods and services as well as for other uses. Accordingly, a person of ordinary skill in the art would not be motivated to modify the dedicated terminals described by D'Agostino for use in connection with an Internet site as described by Thean.

Likewise, D'Agostino describes each customer terminal as including an automatic telephone dialer having multiple preset numbers which are activated by depressing a corresponding button. See column 4, lines 23-26. In contrast, the present invention allows the user flexibility in regard to the phone used by the customer. More particularly, the phone of the present invention can be any telephone or an integrated device such as a PDA. See page 16, lines 3-5 and Figure 1, reference 22. Accordingly, no motivation exists to replace the dedicated terminal telephone of D'Agostino with the more flexible and useful phone of the present invention.

#### ***V. The Obviousness Rejection in View of D'Agostino, Thean, and Szymansky***

In the Office Action, claims 5, 6, and 13-15 were rejected 35 U.S.C. § 103 as being rendered obvious by D'Agostino and Thean and further in view of U.S. Patent No. 6,557,029, issued to Szymansky (hereinafter "Szymansky"). In light of the amendment submitted herewith, it is believed that the rejection has been rendered moot. Accordingly, the Applicant respectfully requests that the 35 U.S.C. § 103 rejection be withdrawn.

#### ***VI. Claims 21-40 Are Patentable Over the Cited References***

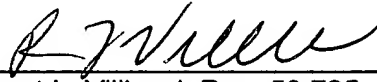
For reasons similar to those set forth above, claims 21-40 are patentable over the cited prior art.

#### IV. *Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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Robert L. Villhard, Reg. 53,725  
Thompson Coburn LLP  
One US Bank Plaza  
St. Louis, Missouri 63101  
Telephone: (314) 552-6293  
Fax: 314-552-7293